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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/754,323 | 01/09/2004 | Brett W. Sareyka | 0326 | 7488 |
| 7590 Eugene Chovanes Jackson and Chovanes Suite 319 One Bala Plaza Bala Cynwyd, PA 19004-1455 | | 01/19/2007 | | |
| EXAMINER CHAPMAN, JEANETTE E | | | | |
| ART UNIT | | | PAPER NUMBER | |
| 3635 | | | | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/19/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/754,323

Applicant(s)

SAREYKA ET AL.

Examiner

Chapman E. Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/06/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sauer (4317641).

Applicant has only positively recited "a bend in the form of an arc". Points (1) and (2) are inferentially recited, intended use recitation, in a jebson preamble which suggest that the material in the preamble is already known. Further, in the body of the action there is an intended use language in the use of text, "capable of". The bend merely has to be capable of flexing along the arc toward an base.

Sauer discloses a connector 14 that is stabbed through a slot 6 in a main beam 1 in a suspended ceiling grid to lock with an opposing identical connector 14 already in the slot and that has a cantilevered spring locking latch 26 integral with and in a relaxed position , extends away from the base of the connector. The improvement comprising a locking latch 26 that in a relaxed position extends away from the base in an arc. See figure 4. When the connector is stabbed through the slot 6, the cantilevered or spring latch is forced by a side of the slot 6 to flex along the arc toward the base to permit the latch to pass through the slot and when the connector 14 has been stabbed through the slot, the cantilevered or spring latch 26 flexes along the arc back to the relaxed position wherein it extends away from the base of the arc. The locking latch 26 is cantilevered

from a baseat a bend that is capable of flexing and forming a pivot for the latch to permit the latch to pass through the slot and lock the connector in the main beam 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer. Sauer lacks the radius arc and the dimensions of the latch shown in applicant's figure 2a. However, one of ordinary skill in the art would have found it of routine skill to select a radius and dimensions permitting the connector and locking latch to operate optimally and as intended .

The claims are directed to an article. The claims are replete with recitations of method of use and method of connecting. The delay in the contact between the side of the slot and the locking latch is a method of use limitation. Very little is further recited regarding the structure. Given the claims are directed to an article, very little structural limitations are given, and as much as Sauer includes the same limitations of the claims, the method limitations have been considered to be met by the disclosure of Sauer, and hence, there is a delay in contact between the side of the slot and the locking latch and the following:

- during which delay a taper on the connector being stabbed through the slot, positions the connector vertically within the slot more quickly than without delay. Also see figures 6-7 and accompanying text.
- During which delay the lateral friction created between the connector already in the slot and the connector that is being stabbed through the slot is substantially reduced from the lateral friction created without delay
- So that during the delay the connector being stabbed through the slot can be adjusted vertically to a position where it locks with the connector already in the slot; see column 3, lines 27-47
- Less force over a shorter distance is required with the improvements set forth above to lock the connectors to each other and to the main beam than is required without the improvements.

Response to Arguments

Applicant's arguments filed 11/07/06 have been fully considered but they are not persuasive. Sauer does show a straight locking latch cantilevered from a base in a connector at a bend that is "**capable of**" flexing and forming a pivot for his straight locking latch to permit his straight locking latch to pass thru a slot and lock the connector to the main beam. Sauer does show in the bend in the form of an arc capable of flexing along the arc toward the base to permit the latch 26 to pass through the slot 6. Just because 26 is a spring retainer does not mean it does not qualify also as a locking latch; the same bends and flex to pass through the slot and locks until the latch is bent again. SEE ABOVE

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAOKO SLACK can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEANETTE CHAPMAN
Primary Examiner
Art Unit 3635